

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 29th Commission Meeting

Held on Monday 14 May 2001

**At 2.00 pm in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

Present: Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore
Tom Donnelly
Tom Hadden (*left at 2.50 pm*)
Inez McCormack
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive

Apologies: Christine Bell
Harold Good
Paddy Kelly

1.0 Minutes of the Previous Meeting

1.1 The following amendments were agreed:

Point 3.9 will now read in the first sentence “It was agreed that the Chief Commissioner will advise on this conference as he considers appropriate”.

Point 4.2 – the last sentence to be amended to read “The Chief Executive will prepare an account of the process for Commissioners, to include a consideration of the level of staffing and resource implications as contributory factors to the delay”.

Point 4.3.2 should be amended in total to read, “Commissioners are to receive a copy of counsel’s opinion on the validity of lack of finance as a reason for not pursuing a particular case”.

At point 5 the last sentence is to be deleted.

1.2 These being all the amendments the minutes were then agreed as an accurate record.

2.0 Matters Arising

2.1 Offensive Website

A response has been received from the Bar Council whose representatives have met with the Chief Constable to discuss this case. Details of a similar case in England have been forwarded to the solicitor who approached the NIHRC for advice.

2.2 Meeting with Secretary of State

The Secretary of State has agreed in principle to meet with the full Commission although that is not likely to happen until after July as a result of the General Election in June.

2.3 Report on Commission's Effectiveness of Powers

It is unlikely that a response will be received to this review from the Secretary of State until the autumn.

2.4 Presenting Evidence to US Congressional Sub Committee

The Commission has requested a formal note of the written record of the meeting of the US Congress Sub Committee of the House of Representatives to which the NIHRC presented written evidence. Inez McCormack will provide a brief report of the meeting to the Commission.

2.5 Protocol with OFM/DFM

Currently officials have been instructed to prioritise work on a Children's Commissioner for Northern Ireland and as a result there has been no further development on the protocol with the NIHRC. The Chief Commissioner will write to OFM/DFM seeking further action on this protocol as a priority.

2.6 Casework

A record of the costs of all cases pursued by the Commission is currently being prepared for Commissioners.

2.7 Complaint from disappointed job applicant

The Chief Commissioner and Chief Executive will prepare recommendations to the Commission for internal action on advice from the Commission's solicitors. The interview panel members are meeting with the Commission's solicitors in the incoming week.

2.8 Casework Committee

The Casework Committee will consider counsel's advice on the validity of lack of finance as a reason for not pursuing any particular case and will advise the Commission subsequently.

2.9 Accounts

The 1999/2000 accounts have now been submitted to the Comptroller and Auditor General and are currently under audit by the Northern Ireland Audit Office.

2.10 Paramilitary Abuses

A Commissioner drew attention to the mandatory language of the Commission's decision to issue a press statement on this issue. The Chief Commissioner confirmed that the statement had been issued on 11 May 2001.

3.0 Chief Commissioner's Report

3.1 Irish Human Rights Commission

It was agreed that the NIHRC Commissioners would meet in Dublin with the Shadow Irish Human Rights Commission members at an agreed date in May.

3.2 Press Statement on Paramilitary Abuses

This was issued on 11 May and follow up meetings with relevant organisations will now be arranged. One Commissioner asked for a list of the individuals and groups who have raised parliamentary abuses as an issue with the Commission. The Chief Commissioner will prepare this list for the Commissioner in question.

3.3 Counsel's Opinion on Government's failure to consult with the NIHRC

Counsel's opinion at present is that the Commission is unlikely to have a case for judicial review of Government's lack of consultation with the Commission. However details of similar incidents involving the Standing Advisory Commission on Human Rights will be sent to counsel for further consideration. This issue will be considered in the discussion about our review of powers which will be on the agenda of the June Commission meeting.

3.4 Correspondence with Mr Andrew Boyd

Commissioners considered all correspondence from Mr Boyd and responses from the Commission, including correspondence to and from Mr Andrew Hunter MP in respect of this issue. Commissioners unanimously supported

the Chief Commissioner's position and did not propose to take any further action. The Chief Commissioner will write accordingly to Mr Boyd.

3.5 CCTV Scheme in Derry/Londonderry

Commissioners considered a request that the NIHRC should monitor the operation of the proposed CCTV scheme in Derry/Londonderry. It was agreed that Commissioners would review the code of practice for the operation of this scheme but could not respond at this time to the request to monitor its implementation.

3.6 Meetings

The Northern Ireland Committee Against Terrorism and the Omagh Support and Self Help Group both made specific requests to the Chief Commissioner for action from the Commission. A draft response will be prepared for consideration at the June Commission meeting.

3.7 Parliamentary Questions

A Commissioner requested details of all Parliamentary Questions that have been asked of the Commission, their date of receipt and date of return. The Chief Executive undertook to provide these details.

4.0 Chief Executive's Report

4.1 Staffing

4.1.1 Commissioners expressed concern at the long-term illness of three members of staff and the Chief Executive is to seek advice from the Health and Safety Executive regarding their condition.

4.1.2 Commissioners in particular asked the Chief Executive to express their good wishes to Mary Waldron, who will not be returning to the Commission.

4.1.3 Commissioners wished to express their thanks to staff for their efforts in extending the offices to include the ground floor. A formal opening of the premises should be considered for September but a more informal event for staff and Commissioners will take place towards the end of June.

4.1.4 Commissioners agreed in principle to the introduction of performance related pay on direction from the Treasury and the Northern Ireland Office. The Chief Executive will prepare a model with acceptable criteria including equality criteria for consideration by the Finance and General Purposes Committee.

4.2 Accounts

Copies of further correspondence with the Northern Ireland Office officials is to be provided to Commissioners for consideration at the June meeting.

4.3 Conferences

The opportunity to meet with Albie Sachs on 16 June will be further explored by the Chief Executive. The possibility of hosting a morning event on 16 June for the Faith Communities will be considered.

5.0 Bill of Rights

5.1 Minutes of previous Bill of Rights drafting meetings were noted.

5.2 Commissioners will spend all day Saturday 19 May and Monday 21 May focusing on the drafting process and working through the draft document. More material will be with Commissioners before the end of the week.

5.3 The Chief Commissioner agreed to provide a cover sheet identifying areas that have not been discussed to date.

5.4 The draft advice will not be able to be submitted to the Secretary of State on 31 May as a result of the General Election on 7 June. Parliament has risen and the Secretary of State will not be available to take delivery of the document.

5.5 It was concluded that the draft advice should be launched on Tuesday 19 June by the Chief Commissioner in Belfast. The Chief Executive agreed to present options to the Commission on how that launch might be managed.

6.0 Policing

6.1 The Chief Commissioner's paper on Developments on Policing was noted.

6.2 The Commission's response to the report from the Defence Scientific Advisory Council on the comparative injury potential of two different types of plastic baton rounds was considered at the meeting of the Investigations and Research Committee on 14 May 2001. The response was agreed at that meeting, although at the time it was not quorate. The letter will therefore now be circulated to all Commissioners for consideration.

6.3 The recruitment agency Consensia has responded to the Chief Commissioner's letter on the conduct of the recruitment exercise for the new police service by asking for a meeting. This meeting is to be deferred until Linda Moore is well enough to attend.

- 6.4 The police are planning to hold a conference on *Policing and Human Rights* on 1 and 2 October 2001. The Chief Commissioner has been invited to address that conference.
- 6.5 Commissioners agreed that this regular update on policing developments is a useful exercise.

7.0 Plastic Baton Rounds

- 7.1 A draft of the letter to the Secretary of State will be sent to all Commissioners for comment prior to submission.
- 7.2 The paper prepared by Michael Waters has been amended to accommodate the points raised by the Chief Constable and the Police Ombudsman. It is now ready for publication.
- 7.3 It was agreed that the new ACPO guidelines should be enclosed as an appendix to this publication.
- 7.4 The United Campaign Against Plastic Bullets will be informed that the report is now ready for distribution and the Chief Commissioner will offer to meet with them after publication to discuss its content.

8.0 Patrick Finucane and Rosemary Nelson

- 8.1 In the absence of two of the Commissioners directly involved in the preparation of a report on this issue the Commissioners decided that it would not be considered at this meeting.
- 8.2 The discussion was deferred until the June Commission meeting.

9.0 Joint Committee with the Irish HRC

There was some consideration given to the potential structure and size of the Joint Committee of the two Commissions. Given the uncertainty of its intended functions and the shadow nature of the current Irish Commission, it was agreed that decisions could not be taken at the joint meeting in May. The Chief Commissioner will write to the President of the Irish Commission reflecting Commissioners' views.

10.0 Committee Reports

10.1 Casework Committee

- 10.1.1 A summary of cases assisted to date will be compiled and provided to all Commissioners.

10.1.2 It was agreed that minutes of the Committee's meetings – like those of other Committees – would be submitted to the following Commission meeting even if they were still unapproved by the Committee itself.

10.1.3 It was agreed that cases involving a major allocation of resources would require a decision from the full Commission. This is not to undermine the delegated powers of the Casework Committee but reflects the need for Commissioners to monitor the allocation of resources.

10.1.4 It was agreed that in the discussion on the NIHRC review of powers scheduled for the June Commission meeting there would be consideration of the current position of the Commission on third party interventions.

10.2 Education Committee

10.2.1 Publications are likely to be issued during the next month on *Access to Post Primary Schools*, *The Burns Review* and *The Northern Ireland Curriculum Review*.

10.2.2 The Department of Education is hosting a conference on 26 September 2001 for the Human Rights Education Forum.

10.3 Investigations and Research

10.3.1 The Commission agreed to the proposal to review discriminatory practice in the allocation of resources in the health service with respect to age. This reflects priorities from the Commission's Strategic Plan and Commissioners agreed to allocate a maximum of £15,000 to this research.

10.4 Legislation and Policy

10.4.1 An update on the work of this Committee is to be circulated to Commissioners for consideration at the June Commission meeting.

10.5 Equality Committee

10.5.1 The Chief Executive is to provide a paper on the implementation of the Equality Scheme for consideration by the Equality Committee at its next meeting.

There being no other business the meeting closed at 6.00 pm.